IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

CRL.A.No. 402 of 2002()

CC.2294/1998 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
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APPELLANT: APPELLANT/COMPLAINANT:

H. RAJIV, S/O. HARIHARAN P.,
PLOT NO.325 G, PANAMPILLY NAGAR, COCHIN-36.

BY ADV. SRI.BIJU HARIHARAN
SRI.R.PADMARAJ

RESPONDENTS: RESPONDENTS/ACCUSED & STATE:
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1. PETER CELESTINE, S/O. B.P. CELESTINE,
BALUMMEL HOUSE, KANNAMALY P.O.,
KUMBALANGHI, KOCHI.

2. C.K. ANTONY, S/O. KAKKI,
CHOOLAKKAL HOUSE, PANANGAD P.O.,
KUMBALAM VILLAGE.

3. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

NO REPRESENTATION. DISMISSED.

SD/-K.R.UDAYABHANU, JUDGE

20/08/2007

\\TRUE COPY//

K.R.UDAYABHANU, J

Crl.A.No. 402/2002

Dated this 20th day of September, 2007

JUDGMENT

The appellant is the complainant in C.C.No.2294/1998 in the file of the Chief Judicial Magistrate Court, Eranakulam, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(2) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable reasons.

2. In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the Court below on 17.10.2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU
JUDGE

mrcs